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\*\*\* Current through PL 112-90, approved 1/3/12 \*\*\*

TITLE 10. ARMED FORCES  
SUBTITLE A. GENERAL MILITARY LAW  
PART II. PERSONNEL  
CHAPTER 61. RETIREMENT OR SEPARATION FOR PHYSICAL DISABILITY

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*10 USCS § 1214a*

§ 1214a. Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation

(a) Disposition. Except as provided in subsection (c), the Secretary of the military department concerned may not authorize the involuntary administrative separation of a member described in subsection (b), or deny reenlistment of the member, based on a determination that the member is unsuitable for deployment or worldwide assignment based on the same medical condition of the member considered by a Physical Evaluation Board during the evaluation of the member.

(b) Covered members. A member covered by subsection (a) is any member of the armed forces who has been determined by a Physical Evaluation Board pursuant to a physical evaluation by the board to be fit for duty.

(c) Reevaluation.

(1) The Secretary of the military department concerned may direct the Physical Evaluation Board to reevaluate any member described in subsection (b) if the Secretary has reason to believe that a medical condition of the member considered by the Physical Evaluation Board during the evaluation of the member described in that subsection renders the member unsuitable for continued military service based on the medical condition.

(2) A member determined pursuant to reevaluation under paragraph (1) to be unfit to perform the duties of the member's office, grade, rank, or rating may be retired or separated for physical disability under this chapter.

(3) The Secretary of Defense shall be the final approval authority for any case determined by the Secretary of a military department to warrant administrative separation or denial of reenlistment based on a determination that the member is unsuitable for continued service due to the same medical condition of the member considered by a Physical Evaluation Board that found the member fit for duty.

**HISTORY:**

(Added Jan. 7, 2011, P.L. 111-383, Div A, Title V, Subtitle D, § 534(a)(1), 124 Stat. 4216; Dec. 31, 2011, P.L. 112-81, Div A, Title V, Subtitle C, § 527(a)-(c)(1), 125 Stat. 1401.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

## Effective date of section:

This section took effect on enactment, as provided by § 534(b) of Act Jan. 7, 2011, P.L. 111-383, which appears as a note to this section.

## Amendments:

2011. Act Dec. 31, 2011, substituted the section heading for one which read: "§ 1214a. Members determined fit for duty in Physical Evaluation Board evaluation: prohibition on involuntary administrative separation due to unsuitability based on medical conditions considered in evaluation"; in subsec. (a), inserted ", or deny reenlistment of the member,"; and in subsec. (c)(3), inserted "or denial of reenlistment".

## Other provisions:

**Effective date and application of section.** Act Jan. 7, 2011, P.L. 111-383, Div A, Title V, Subtitle D, § 534(b), 124 Stat. 4217, provides: "The amendments made by subsection (a) [adding this section and amending the chapter analysis preceding *10 USCS § 1201*] shall take effect on the date of the enactment of this Act, and shall apply with respect to members evaluated for fitness for duty by Physical Evaluation Boards on or after that date.".